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NOMINATION OF JACQUELINE E. SCHAFER

HEARING

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

ON

THE NOMINATION OF JACQUELINE E. SCHAFER TO BE A MEMBER OF THE COUNCIL ON ENVIRONMENTAL QUALITY

MAY 17, 1984

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NOMINATION OF JACQUELINE E. SCHAFER

THURSDAY, MAY 17, 1984

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 10:10 a.m., in room SD-406, Hon. Robert T. Stafford (chairman of the committee) presiding.

Present: Senators Stafford, Chafee, Randolph, and Lautenberg.

OPENING STATEMENT OF HON. ROBERT T. STAFFORD, U.S. SENATOR FROM THE STATE OF VERMONT

Senator STAFFORD. Good morning. The Committee on Environment and Public Works will please come to order.

The committee meets this morning to consider the nomination of Jacqueline Schafer for the position of member of the Council on Environmental Quality.

It is with particular pleasure that, for the committee, I welcome Jackee Schafer's appearance. Prior to assuming her current position as Administrator for EPA Region II in 1982, Jackee was a highly respected member of the staff of this committee.

Before that, she worked for Senator James Buckley when he was a member of the committee. Thus, she worked with the committee for more than a decade in all.

I might add that as Regional Administrator, Jackee continued to assist and work with members of this committee.

Finally, in addition to all of her other qualifications—and perhaps this is in part accounting for them—I would like to point out that Jackee is a graduate of Middlebury College in Middlebury, VT, which is also the alma mater of the chairman of this committee. One of my daughters, I think, was in the same class with you. Is that right, Jackee?

Ms. SCHAFER. Yes, sir.

Senator STAFFORD. At this point, I am going to place a statement from Senator Baker, the majority leader, and a statement from Senator Randolph in the record.

[The statements referred to follow:]

STATEMENT OF HON. HOWARD H. BAKER, JR., U.S. SENATOR FROM THE STATE OF TENNESSEE

Mr. Chairman, I take great pleasure in welcoming Jacqueline E. Schafer to the committee this morning. Her nomination by the President to be a member of the Council on Environmental Quality is well-founded. Jackee's interest and work in the environment dates back to her staff work for our former colleague, Senator James L. Buckley, to her present position as Region II Administrator of the Envi-

ronmental Protection Agency. Of course, in the interim, she distinguished herself as a professional staff member on this committee.

Mr. Chairman, Jackee's credits and credentials are well known and respected here, and in the interest of expediting these proceedings, I wish to add my wholehearted support to her nomination. Last, but not least, I wish to welcome her back to Washington.

STATEMENT OF HON. JENNINGS RANDOLPH, U.S. SENATOR FROM THE STATE OF WEST VIRGINIA

I am pleased to join Chairman Stafford in welcoming Jackee Schafer before the Committee this morning. Jackee's abilities are well known to members of the Committee from the years she served as an assistant to Senator Buckley and as a member of the Committee staff, and in her more recent capacity as New York Regional Administrator for the Environmental Protection Agency.

The President has further expressed his confidence in her leadership abilities and knowledge of environmental matters by nominating Jackee to be a Member of the Council on Environmental Quality. I am pleased to give her my endorsement and support in facing the challenges that await her in this new position.

Many concerns have been raised in recent years about the Council's ability to carry out mandated activities with greatly diminished resources and personnel. The very role of the Council has been questioned since the Cabinet Council on Natural Resources is perceived to be the environmental policy making body in this Administration. CEQ, however, is responsible for overseeing important activities under the National Environmental Policy Act, and addressing environmental issues of global concern. Its ability to be effective in these areas is questionable given the resource constraints under which it is operating.

I look forward to hearing from Jackee on these and other matters today. I am interested in knowing that role she perceives the Council to be playing in this Administration. Further, I am interested in knowing what she would like to accomplish as a Member of the Council.

Again, I welcome her back to the Committee where she made many valuable contributions to our work.

Senator STAFFORD. Since Jackee has been serving in New York, one of New York's most illustrious Senators is with us this morning, Senator D'Amato, and we welcome you to the committee, Senator. We would be very pleased if you would present your Regional Director to the committee.

STATEMENT OF HON. ALFONSE D'AMATO, U.S. SENATOR FROM THE STATE OF NEW YORK

Senator D'AMATO. Thank you very much, Mr. Chairman.

It is a great honor and a privilege for me to have this opportunity to present to the committee someone who is not a stranger to the Environment and Public Works Committee. Indeed, her service with the committee is what I think led to her selection as the Regional Director of Region II for EPA. I believe that the President has made a splendid recommendation and nomination for Jacqueline Schafer to serve in the position on the President's Council on Environmental Quality.

Mr. Chairman, I am going to ask that the full text of my statement be placed in the record in its entirety, but I would like to take this time to indicate that in the almost 3 years that I have had an opportunity to observe Jacqueline Schafer undertake some of the most difficult, sensitive problems in the area of environmental protection for EPA's Region II, its activity centering, obviously, in New York and New Jersey, the oldest industrial centers in the Northeast, containing some of the most pressing problems, she has

acquitted herself in the highest, most exemplary traditions of public service.

She has been mindful of her responsibilities, and yet she has been evenhanded in the way that she has made some very sound judgments in seeing to it that there was not an oppressive administration but, rather, one that took in legitimate concerns and sensitivities of local communities and, indeed, the business community as well, in the discharge of her duty.

Mr. Chairman, I am pleased and delighted to present Jackee Schafer, and, of course, I urge that the distinguished members of this panel support this nomination, as I am sure that they will.

I would also like to say, Mr. Chairman, that it certainly speaks well to her tutelage, both at Middlebury College, which the distinguished chairman has also attended, and in terms of the expertise and the care and the concern that she has developed as a legislative aide and as a staff member of this committee.

She has served the administration well in Region II, and I know that she will give great service to our President. I hope that they listen to her counsel when she recommends policies that in many cases we so desperately need.

[Senator D'Amato's statement follows:]

STATEMENT OF HON. ALFONSE D'AMATO, U.S. SENATOR FROM THE STATE OF NEW YORK

Mr. Chairman, distinguished Members of the Committee, I am here today to introduce a person eminently qualified for the position for which she has been nominated. Ms. Jacqueline Schafer has worked closely with me from the time she assumed her duties at EPA Region II in New York and has performed at a level of excellence that clearly qualifies her for a position on the President's Council on Environmental Quality.

Ms. Schafer has been involved with the management of our environment since 1971, when she began her duties as a legislative assistant to Senator James Buckley. After working with Senator Buckley through 1976, Jackee joined the staff of the Senate Environment and Public Works Committee, where she worked until she joined the Reagan administration in the capacity of Regional Director for the Environmental Protection Agency in New York, a position which afforded me the opportunity to work closely with her.

It is the work that Jackee has done in that capacity which leads me to recommend her to you. New York and New Jersey are two of the oldest centers of industry in this country and, as such, have some of this country's most pressing needs for effective action to prevent contamination of our precious resources and to undo damage already done to our environment during an era when little, if any, attention was given to that pressing matter.

Mr. Chairman, I doubt that this committee will be afforded the opportunity to judge any more qualified applicants than Ms. Schafer. I urge you and all the distinguished members of this panel to support this nomination.

Thank you, Mr. Chairman.

Senator STAFFORD. Thank you very much, Senator.

I am sure that the Council will listen to her because, knowing Jackee, she is not one whose counsel can be ignored by anybody.

We appreciate your being here and presenting her to the committee.

Knowing how busy your schedule may be, we will understand if you feel you should leave to take care of other matters, but you are invited to join us here in the committee if you care to.

Senator D'AMATO. Well, thank you very much, Mr. Chairman.

Senator STAFFORD. Thank you.

Jackee, in a minute, we will invite you to make whatever statement you care to. The record might as well show that, in reviewing your résumé, the Chair notes that he is one of the references submitted.

Ms. SCHAFER. That is indeed the case, Mr. Chairman.

Senator STAFFORD. For whatever conflict of interest that may create, I will acknowledge it.

The other is that I see your residential property in Arlington, Va, is on South Stafford Street.

Ms. SCHAFER. I had totally forgotten about that. Yes, sir; that is true.

Senator STAFFORD. As to that, I want the record to show it is purely a coincidence.

I wish I owned property there, but I do not.

Ms. SCHAFER. That was my home when I lived here.

Senator STAFFORD. So, Jackee, if you have a statement, we would be pleased to hear it.

STATEMENT OF JACQUELINE E. SCHAFER, NOMINEE FOR MEMBER, COUNCIL ON ENVIRONMENTAL QUALITY

Ms. SCHAFER. Thank you very much, Chairman Stafford, for this occasion to present myself to you and to other members of the committee as President Reagan's nominee to be a member of his Council on Environmental Quality. I am honored by this confidence, and I am eager to accept this special opportunity to serve the public.

Like many others in my generation, I began my professional career in the field of environmental protection back in 1970, over 14 years ago. I didn't happen to be among those who rallied around the Washington Monument on Earth Day that year, but back home in New York City, I became associated with a gentleman who later would have a lasting influence on me personally and on the work of this committee. You have made reference to him, Senator James Buckley from New York.

From the start, I found myself more his student than his adviser on the critical importance of resource conservation and environmental protection. His understanding of fundamental ecological principles prompted his genuine concern for conserving and protecting the natural system on which mankind physically depends.

Because of this, he was able to articulate the cause of environmental conservation as eloquently as he has argued for preserving the market system on which our economic freedom depends.

For 6 years under his tutelage, and later under yours, Mr. Chairman, I was able to participate in the development of environmental policies and laws that attempted to balance and integrate environmental and economic goals.

As you know, the Clean Water Act, the Safe Drinking Water Act, and the Ocean Dumping title of the Marine Protection, Research and Sanctuaries Act were my specialties. I also did budgets.

Under the guidance of Chairman Jennings Randolph and other leaders, I worked on this committee's staff for a decade to assist Republican members in forging a bipartisan, workable approach to some of modern society's most vexing problems.

I believe that further progress toward environmental quality will continue to depend on the old reliable handtools that I learned to use in those productive days: bipartisan cooperation, consideration of each other's viewpoint and plain hard work that took days and sometimes nights to fashion an acceptable environmental law.

For the last 2 years, Mr. Chairman, I have served as the Regional Administrator for the U.S. Environmental Protection Agency in New York City. For an eye-opening change of perspective, I commend such an experience to any of my former colleagues on this committee's staff.

The daily challenge of implementing environmental laws in the face of scientific uncertainty, institutional barriers and public impatience has led me to conclude that problem-solving in this field is vastly more complicated than having enough money and enough people to do the job, although those are certainly important.

I am less worried right now about having the money to dig up or flush out the hazardous waste at a Superfund site than I am about having a safe place to incinerate it without inciting a public riot. There is a very, very high level of public awareness about environmental problems.

For this reason, I welcome the opportunity that membership on the Council of Environmental Quality offers to assess our present environmental condition and to participate in the development of the next generation of environmental policies and programs. This work requires imagination and initiative.

I found that running EPA, or any of its parts, mostly requires stamina and a thick skin, at least in recent history. The two roles pose different kinds of challenges, and I believe that both are worth doing.

I am well aware of the budget and resource constraints now in effect at the Council on Environmental Quality. Several committee members and staff have asked me whether that doesn't seriously inhibit its effectiveness.

First, I believe that the budget is at least adequate to enable CEQ to carry out its by now routine statutory mandates; that is, analysis of conditions and trends which are necessary to the preparation of the President's Annual Report to Congress on Environmental Quality; and the oversight of other Federal agencies' responsibilities under the National Environmental Policy Act.

As to special studies and interagency projects, CEQ does have the authority to undertake "jointly funded" projects with other Federal agencies. Looking back over recent budget requests, I noted that in fiscal year 1980, even with an appropriation of over $3 million, CEQ was managing a consolidated working fund of over $5 million more for environmental policy development studies that it was pursuing with other Federal agencies.

As a first cut, I intend to satisfy my own curiosity about the fate of a number of these earlier studies—literally dozens—that may or may not have worked their influence on policy up to this time. One of my concerns about the work of earlier Councils was the danger of becoming overly academic rather than activist in daily decisionmaking in the Executive Office of the President.

A lot of costly research may be gathering dust on a shelf someplace. Perhaps some of it should. But I think a systematic review of

the collected works of all earlier Councils may reveal a lost civilization of perfectly good ideas that should be dusted off and put to work. With your consent, and with that of the Senate, I look forward to getting started.

That concludes my statement, Mr. Chairman. I would be happy to respond to any questions that you or Senator Randolph would have at this time.

Senator STAFFORD. Thank you very much, Jackee.

I am delighted that we are joined by the chairman emeritus of this committee. Senator Randolph, I took the liberty of placing your statement in the record. I knew you had an important engagement before coming here.

OPENING STATEMENT OF HON. JENNINGS RANDOLPH, U.S. SENATOR FROM THE STATE OF WEST VIRGINIA

Senator RANDOLPH. Thank you very much, Mr. Chairman.

I am delighted to join you, as always, especially on a morning like this when we have Jackee Schafer before our committee.

I am very happy to have Jackee's abilities remembered by all of us, because she has been part of the committee, working with us through the years.

You will recall, Mr. Chairman, and perhaps it has been stated, that Jackee served as an assistant to Senator Buckley and as a member of the committee staff. In her more recent capacities, she served in New York as Regional Administrator for the Environmental Protection Agency.

I have talked with her, as you have, prior to her coming before the committee formally today, and I rather feel that the "Big Apple" notwithstanding, she would rather be close to the Nation's Capital and to work a little nearer to what we believe to be the catalyst for this Nation's well-being.

I think the President has further expressed his confidence in her leadership, her ability, and also her knowledge of environmental matters. I am sure that he and others checked very closely into the matter of whether she should be nominated to be a member of the Council on Environmental Quality.

She has my complete endorsement, certainly my strong support, as she faces up to the challenges that certainly are worthy of her abilities.

There are many concerns that have been raised, understandably, in recent years about the ability of the Council to carry forward its mandated activities with perhaps diminished resources and diminished personnel. The very role of the Council has been questioned, at least partially, by some people since the Cabinet Council on Natural Resources is perceived to be the environmental policymaking body in this administration. That is said in no criticism.

CEQ, however, is responsible for overseeing the very critical, crucial activities under the National Environmental Policy Act and addresses environmental issues not only at the local but at the global concern. Its ability to be effective in these areas is questionable, some say, given the resource constraints under which it is now operating.

I certainly look forward and anticipate the opportunity, on such matters as I have just mentioned, of counseling with Jackee. I am concerned in knowing, what role she really perceives the Council to have in this administration. I am concerned in knowing what she would like to accomplish as a member of the Council, and with you, Mr. Chairman, I underscore my welcome to her, realizing her many past contributions and the opportunities that she will have for further constructive work.

Senator STAFFORD. Thank you very much, Senator Randolph.

I do have a few questions for Jackee. One or two are boilerplate. One is, are you willing to appear before any committee of the House or the Senate that might ask you to come before it as a witness?

Ms. SCHAFER. I am, Mr. Chairman.

Senator STAFFORD. And you have no reservation about that willingness?

Ms. SCHAFER. I have none, Mr. Chairman.

Senator STAFFORD. Do you occupy any position or have any future position in mind immediately following any service with the Council that might project a possible conflict of interest?

Ms. SCHAFER. No, Mr. Chairman.

Senator STAFFORD. And your full assets are indicated on the sheet which the chairman has had a chance to review?

Ms. SCHAFER. That is correct, and any changes to that I will certainly make available to the committee as they occur.

Senator STAFFORD. Thus far, the Council on Environmental Quality does not appear to have played a very vigorous role with the current administration in setting environmental policy. Do you think that the Council is presently fulfilling its potential, or do you think that potential can be increased? You might comment, if you do think it can, as to how it might be done.

Ms. SCHAFER. Well, since the Council was created under the National Environmental Policy Act in 1969, a number of things have happened, as this committee well knows, to make environmental protection a normal part of every Federal agency's routine as it carries out its own individual mission, so that, unlike the situation when we started the 1970's, the consciousness of all agencies has been raised, and many of them participate actively in the development of environmental policies in any administration. Obviously, most of those policies are generated by the statutes which Congress has given the administration to carry out.

Therefore, the role of the Council, I believe, is one that is subject to change under these circumstances. I believe that the Council has been effective in this administration and can continue to be effective in this administration in several capacities. One is in the coordination of activities among Federal agencies which have environmental responsibilities, in presenting options to the President for decisionmaking on key environmental issues, and, in general, working with other agencies to carry out the National Environmental Policy Act in a way which does protect the environment and assesses the impacts of their activities on the environment.

Senator STAFFORD. Thank you.

As a member of the staff of this committee, you worked on budgetary issues. At EPA, you observed the budgetary process from the

other end of the pipeline, at the level at which funds are actually spent on specific programs.

I am going to say that I may indulge in leading the witness a little bit, as we used to say in the legal business, because I should point out that the chairman of this committee was one of the more significant players yesterday in getting $600 million additional for EPA, enough to bring the operating budget up to the Administrator's original request of the administration and add the additional money for the Superfund program in the coming year. I thought I should tell you that before I ask you, do you think that EPA currently has sufficient funding to carry out its responsibilities, or could more money be put to productive use?

Ms. SCHAFER. We are past the midpoint of fiscal year 1984, and just from my experience in New York managing a staff of 500 going up to 600, I can tell you that there are some limits to our ability to use certain moneys for certain things in a short period of time.

Clearly, the growth area as far as requirements for additional funding, is in the Superfund and hazardous waste program. That is exactly the direction the President's budget has been trending over the last 3 or 4 years, and clearly, based on the testimony that I heard myself yesterday by Governor Kean of New Jersey, one of the States in my region, and my own personal experience, that is going to be an area that will expand.

The reason for that is that the Superfund program is maturing. Studies from the first, early years are now generating detailed designs for major construction projects to clean up these Superfund sites, and as we move into the construction phase, that is where the substantial dollars will be spent and will be needed as the planning matures and as the program matures. So that is where the need will be, and I believe that is where we are trending.

Senator STAFFORD. That is where the bulk of the $600 million is designed to go.

Ms. SCHAFER. Then I think that will be put to very good use, Mr. Chairman.

Senator STAFFORD. Good.

As you indicated in your statement, at CEQ, you will have an opportunity to take a more detached, comprehensive view of environmental problems. Is there any special issue emerging that CEQ should be devoting its attention to?

Ms. SCHAFER. Well, I made a reference in my statement to one that I have personally become very concerned about as we proceed through the Superfund program, and that is, apart from money—because I believe that situation is being taken care of; the President has announced his intention to seek legislation extending the program, and you are now in the process of determining what the levels ought to be and what other details of that statute need to be attended to—but as we begin to clean up sites, where the solutions are to remove hazardous waste from those sites and to somehow protect the public from them, either through destroying them by incineration, carbon treating aqueous wastes, storing them in a safe place away from the people and the environment, the problem of siting hazardous waste facilities is one that I think requires a great deal of attention.

People have an expectation that if you name a Superfund site, you are going to come out and you are going to do something about it, and you are going to get it away from them, and the problem is, if you take it away, where do you put it?

There is a great deal of public concern about the siting of hazardous waste facilities all over the country. EPA Region II happens to have the only two secure hazardous waste landfills in the Northeast, up in Niagara County, NY. Of course, that is a big industrial area that generates a lot of hazardous waste, or did in the past, but that tends to be a place which is drawing in hazardous waste being transported over many miles from other places because there aren't facilities elsewhere.

Likewise, the siting and upgrading of incinerators for destroying these wastes is a big, big problem in terms of the process that ensures that these incinerators are as efficient as they need to be to destroy the wastes.

So that is a major issue that I think I would like to focus some attention on. Of course, EPA, as the agency responsible for that activity, is very concerned about it and spending a lot of time on that as well.

Senator STAFFORD. Thank you very much.

I have one final question. That is this: You have been given a copy of a letter signed by several members of this committee concerning a CEQ proposal to drop requirements concerning "worst case" analysis in environmental impact statements. A copy of that letter will be inserted in the record at this point.

[The letter follows:]

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC, February 22, 1984.

Hon. A. ALAN HILL,
Chairman, Council on Environmental Quality,
Washington, DC.

DEAR CHAIRMAN HILL: Thank you for your letter of February 8 concerning withdrawal of the Council's earlier proposal concerning worst-case analysis in environmental impact statements. We are pleased that you have withdrawn the proposal because it would have weakened substantially the effectiveness of the National Environmental Policy Act. However, we are concerned that you are considering a second proposal to amend the guidance concerning worst case analysis. The existing regulations and guidance are appropriate as they stand.

This Nation's environmental concern was stimulated by improbable but severe environmental accidents which did, in fact, occur. The Santa Barbara oil spill in this country and the Torrey Canyon tanker breakup abroad came to symbolize the truth that the unintended consequences of otherwise beneficial technologies could cause real harm. More recently, the partial meltdown at Three Mile Island and the massive contamination of food supplies by ethylene dibromide have again demonstrated the critical importance, where great values are at stake, of carefully scrutinizing all potential impacts of governmental actions, considering both the severity of the consequence and the probability or the improbability of occurrence.

We understand that it is to the sort of impact we have just described—of a low probability but a severe or potentially catastrophic consequence—that worst-case analysis is addressed. Before the government undertakes to permit an activity of potentially disastrous consequences, it should study what happens if things go seriously awry. Those potentially affected have a legitimate interest in and, under NEPA, a right to know what may happen to them. That is the purpose of worst-case analysis.

Of course, worst-case analysis includes the requirement that the study be placed in perspective—that an improbable impact be clearly labeled as improbable. That is what the existing regulation properly requires.

When the Council's NEPA Regulations were issued in late 1978, they were welcomed by groups as diverse as the U.S. Chamber of Commerce, the National Governors' Association, and the environmental community. That unanimity, as we well know on this committee, is a rarity in environmental protection. To disrupt that unanimity by fundamentally weakening a vital part of the regulatory package would be a major mistake. Therefore, as the task force you are establishing considers these issues, we urge you to avoid any action that would weaken the Environmental Impact Statement process. Further, we request that you keep this Committee informed of your deliberations and that you provide an opportunity for our comments before the task force reaches a decision.

Sincerely,

ROBERT T. STAFFORD,
Chairman.

JENNINGS RANDOLPH,
Ranking Minority Member.

DAVE DURENBERGER,
Chairman,
Subcommittee on Toxic Substances
and Environmental Oversight.

MAX BAUCUS,
Ranking Minority Member,
Subcommittee on Toxic Substances
and Environmental Oversight.

Senator STAFFORD. We consider worst-case analysis to be an important part of a project involving even a low probability of catastrophic effect. The CEQ proposal would have destroyed its effectiveness. Fortunately, that proposal was retracted. However, an interagency task force under CEQ leadership is considering other proposals.

Speaking personally, I would like your commitment that you will actively oppose any proposal that would weaken present policies concerning the EIS requirements in general and worst-case analysis in particular.

Ms. SCHAFER. Mr. Chairman, I have read the letter and I am aware that CEQ is now faced with working with the regulations that were developed to carry out the National Environmental Policy Act, and that those regulations do include a requirement that under certain conditions, a worst-case analysis must be prepared.

I am not yet acquainted with, and have not been briefed on, the details of why this is now an issue. I know that there are several court cases that have called attention to the requirement.

I think the most important thing that we would want to do is to make the analysis process under the National Environmental Policy Act one which is workable and leads to good decisions. To the extent that there is some confusion about what preparing a worst-case analysis means and ought to require, I believe that the Council is appropriately leading the examination of those issues and will make recommendations.

Any recommendations, of course, that are made would be discussed with the committee, and I am sure that, in the course of the next few months, I will be able to give you some specifics as to my recommendations on that issue. Worst-case analysis is something that, in my own experience, has had to be performed in some specific projects, and it can be a useful tool to good decisionmaking.

Senator STAFFORD. Thank you very much, Jackee.

That will conclude the questions that I have.

I want the record to show that Senator Lautenberg is unable to be here but that he supports your recommendation for confirmation.

Ms. SCHAFER. Thank you, Mr. Chairman.

Senator STAFFORD. Senator Randolph, do you have any questions?

Senator RANDOLPH. In conclusion, Mr. Chairman, I think the discussion by you and by Jackee in reference to region II—that is New York and New Jersey, is that correct?

Ms. SCHAFER. Yes, sir, and Puerto Rico and the Virgin Islands are also part of region II.

Senator RANDOLPH. Puerto Rico and the Virgin Islands. Is it difficult to implement the Superfund siting program which is necessary?

Ms. SCHAFER. Yes, sir. The Superfund program is a major part of the work in region II. Roughly 25 percent of the Superfund sites on the National Priorities List are in New York and New Jersey.

Senator RANDOLPH. That is what I understood, and that is where you have done a most effective service, as has been reported to me.

Ms. SCHAFER. Thank you, Senator Randolph.

Senator RANDOLPH. Just again, Mr. Chairman, I believe that our Federal Government is well served by people like Ms. Schafer.

Senator STAFFORD. Thank you very much.

I heartily agree, Senator Randolph.

Senator Chafee, we are delighted you have been able to get here. Do you have any statement?

Senator CHAFEE. I don't, Mr. Chairman, but I would like to ask a couple of questions of Ms. Schafer.

Senator STAFFORD. Certainly.

Senator CHAFEE. Jackee, as I understood it, in response to a prior question, you said that the siting of the proper sites for hazardous waste disposal would be a prime concern of yours in CEQ. Could you just briefly say a couple of more words on that?

Ms. SCHAFER. All right.

Senator CHAFEE. I know you are perhaps repeating yourself.

Ms. SCHAFER. That is all right, Senator.

There are, as I mentioned to Senator Randolph, 122 Superfund sites in my region on the National Priorities List. That is a downpayment. The State of New York has already submitted to us another 50 for ranking on the hazard ranking system and the State of New Jersey, another 15. As they proceed through the surveys of the sites that are in their information system, I am sure we will be getting a lot more candidates.

That poses very practical problems when we get around to cleaning up these sites. We have a number of major construction projects under way in region II right now on existing Superfund sites. Again and again, the issue arises, if you are going to remove the material from the site—remove the material could be in the form of a contaminated aqueous waste which can be carbon treated, or sometimes these chemicals are in a nonaqueous phase; they are in a sludge phase or a heavier-than-water phase, and they also can be removed through a leachate collection system—what do you do with these materials?

Right now they are being drummed and they are being put in a secure area near the cleanup site, and that raises all sorts of issues under different statutes that I won't get into now. But there is, I perceive, a resistance on the part of the public generally to accept wastes from other parts of the country for treatment or disposal in their particular geographic areas.

An example that I faced recently was an attempt to destroy some wastes which are now being removed from a landfill and transported across State lines to an incinerator in another State and in another region. The State in that region pretty much let the private firm that wanted to handle these wastes know that they would have great difficulty in getting State permits for this kind of activity. No one wants what is perceived as—this is not the case, but what they called Love Canal dioxin, burned in another State. It is not Love Canal dioxin but it is a related substance.

Likewise, the dioxin which we cleaned up off the streets of Newark last summer, which was mostly adsorbed onto dirt and clothing, the cleanup team's clothing, just debris, is now drummed and in box trailers and secured on the facility where it came from, a site, behind a fence and out of harm's way, but it is still there.

The effort on the part, again, of one private company to get another private company to take the waste for safe disposal was resisted locally. This proposal happened to involve taking these drums up to Niagara County and disposing of them in that secure landfill. The public concern over moving Newark's dioxin to Niagara County was one that led the company involved to, in effect, withdraw its offer to take the waste.

I think we are going to face that again and again everywhere. It is just going to be a big problem.

Senator CHAFEE. Well, Jackee, what are we going to do about it?

Ms. SCHAFER. I agree with you, Senator, we need to think about it, and that is one of the things I would like to do.

Senator CHAFEE. Well, it seems to me that the horse will be out of the barn if we are not careful. Namely, we have a valuable tool here in the form of Superfund, and why shouldn't we say to the States, we're not going to clean your hazardous waste sites up until you come up, within your borders or contiguous to your borders, through an interstate compact, or even in another State, noncontiguous, some kind of arrangement for disposal of, not only the waste from this site, but waste that will be generated in the future within your borders?

Ms. SCHAFER. We have to come up with some mechanisms, and I think the incentives which you are suggesting through—the financial incentives, in effect—as a condition of a grant or financing a Superfund cleanup, is one incentive we ought to look at.

But I think, really, it is going to boil down to developing a consensus on the part of the States, the Governors, and their environmental commissioners, and——

Senator CHAFEE. But how are you going to develop a consensus? None of them want to bite the bullet, and the only thing that is going to make them bite the bullet is dollars from the Federal Government.

Now, there are two ways of doing it. One is to use the Superfund. Another is to come up with additional dollars: If you will do some-

thing about a site, we will pay for it, for example, proper incineration or whatever it might be. But there you get into additional money, which we don't have.

What would you think of putting a requirement in that says, no Superfund money unless you have a proper site?

Ms. SCHAFER. I know that Superfund now does require some effort be made to provide appropriate disposal as a condition of removal.

Senator CHAFEE. If it does, I am not familiar with it. In our State, we are cleaning up, but the State is making no effort whatsoever to develop a proper site for disposal of either the materials from these sites we are cleaning up or for future generated waste.

Ms. SCHAFER. Well, I know that in the case of New York and New Jersey, efforts have been made at the State level to site appropriate facilities through siting boards, for example, and through planning. And, for one reason or another, they are resisted locally, and there are definite problems in making some of these institutional decisions.

I think that your suggestion certainly needs to be aired and discussed in hearings and perhaps tried. I also feel that that incentive alone probably will not do it until there is a real crunch somewhere. But the long term is getting closer and closer with respect to being able to find appropriate sites to dispose of this material or to incinerate it.

Senator CHAFEE. Well, Jackee, I feel I am a "voice in the wilderness" with no one listening, and I am trying to get some support.

Ms. SCHAFER. Senator, as I volunteered in my statement, I consider this a major problem. The other nine Regional Administrators and all of the State directors who are finding themselves taking the lead in cleaning up Superfund sites with Federal money are facing the same problem. It is one that has to be addressed promptly.

Senator CHAFEE. Well, that is the easy part. I think disposal of the wastes you clean up from the sites, that might be easier than getting a proper facility to handle future generated wastes. But I don't know. I am appealing for some support for my idea.

Ms. SCHAFER. I am listening, Senator Chafee, believe me.

Senator CHAFEE. That is the story of my life.

Well, thank you.

Ms. SCHAFER. Thank you, sir.

Senator CHAFEE. Well, I am for her.

Senator STAFFORD. We thought for a while you were equivocating.

Well, thank you very much, Senator Chafee.

I think that concludes the questions. Is there anything further you wish to say, Jackee, before we terminate this meeting?

Ms. SCHAFER. No, thank you, Senator Stafford, other than to thank Senator Randolph and Senator Chafee and yourself for coming today and for all your kind words.

Senator STAFFORD. All right. We wish you well in what we think will be your speedy confirmation. The chairman, under the circumstances, is going to indulge himself in moving that the committee report Jackee Schafer favorably to the Senate to be a member of the Council on Environmental Quality.

Senator RANDOLPH. Mr. Chairman, I am gratified to second your appropriate motion.

Senator STAFFORD. It has been moved and seconded, and it would be the Chair's intention at this point to see if we cannot, under the circumstances, poll this nominee out.

Senator Lautenberg, I have already expressed your support for Jackee Schafer.

We have been leading the witnesses a little this morning, but if you care to make a statement or ask a question at this point, this would be a good time to do it. It has been now moved and seconded that she be reported for confirmation favorably to the Senate.

Senator LAUTENBERG. Well, then, Mr. Chairman, my course is to go along.

I did go to New Jersey this morning to see what our coast looked like, because Jackee Schafer was our Regional Administrator, and I wanted to be sure before I did pass on my approval that everything was all right.

The coast looked fine.

On a serious note, I did want to say that I endorse this nomination. We are going to miss Jackee Schafer in our region. She worked hard to do the job properly, and we all hope that her new service will continue her interest in the environment and the conditions that we are concerned about. I congratulate you on this approval and lend my endorsement to it.

Senator STAFFORD. We are going to try to poll her nomination out, under the circumstances, so every member of the committee will have a chance to check off the polling list as to aye or no.

Senator LAUTENBERG. Good.

Ms. SCHAFER. Thank you, Senator.

Senator STAFFORD. If there is nothing further, the committee will stand adjourned.

[Whereupon, at 10:49 a.m., the committee recessed, to reconvene at the call of the Chair.]

[A résumé and financial statement follow:]

Jacqueline E. Schafer: Member,
(West End, NY) Council on Environmental Quality

Background: 1982-present: Regional Administrator, U.S. Environmental Protection Agency, Region II, New York, New York
1977-1982: Professional Staff Member, U.S. Senate Committee on Environment and Public Works
1971-1976: Legislative Assistant to U.S. Senator James Buckley
1970: Assistant to the Director of Research, Buckley for Senate Committee
1967-1970: Analyst, Banking Studies Department and Research Assistant, Research Department, Federal Reserve Bank of New York
1980: Reagan/Bush Presidential Campaign; researched environment and energy issues
Presidential Transition, Executive Office of the President; prepared transition report on Council on Environmental Quality

JACQUELINE E. SCHAFER
355 West End Avenue
Apartment #2
New York, New York 10024
(212) 874-1487 (H)
(212) 264-1591 (O)

Born: Greenport, New York
October 12, 1945

Education: A.B. Economics, 1967
Middlebury College
Middlebury, Vermont

Employment History:

March 1982 to present: Regional Administrator, United States Environmental Protection Agency, Region II (New York, New York). Direct a staff of 500 environmental scientists, engineers and attorneys in implementing all federal environmental protection programs in one of the agency's ten regions (New York, New Jersey, Puerto Rico and the U.S. Virgin Islands). Responsible for the management of a $410 million grant program to support municipal waste water treatment plant construction (17% of annual appropriation); of a $20 million annual grant program to support state environmental agencies; and of one of the country's largest "superfund" project workloads (identify and remediate 122, or 23%, of the hazardous waste sites on the National Priorities List). Also regulate, in cooperation with state agencies, individual sources of environmental pollution through writing and enforcing air, water, and hazardous waste permits. Duties require frequent communication with the public and press, state and local officials, Members of Congress and state legislators and with environmental and citizens' organizations and the regulated business community.

January 1977 to March 1982: Professional Staff Member, U.S. Senate Committee on Environment and Public Works. Responsible for assisting Republican members in the development and oversight of environmental and economic development legislation, including: Clean Water Act, Noise Control Act, Public Works and Economic Development Act. Since January 1981, responsible for coordination of all Committee activities with respect to the Congressional Budget Act, including reconciliation.

January 1971 to December 1976: Legislative Assistant to U.S. Senator James L. Buckley (C-R, N.Y.). Performed broad range of professional duties in this large congressional office, including support of the Senator's activities as a member of the Committee on Environment and Public Works and the Committee on Interior and Insular Affairs (now Energy and Natural Resources) and, for two years, directed his "casework" staff to better coordinate State projects and problems with legislative objectives.

August 1970 to December 1970: Assistant to the Director of Research, Buckley for Senator Committee. Handled all environmental issues for candidate in a year when these issues were volatile, as well as diverse campaign research tasks.

June 1967 to July 1970: Analyst, Banking Studies Department; and Research Assistant, Research Department, Federal Reserve Bank of New York. Developed first draft of reports evaluating the competitive effects of bank merger and holding company acquisitions for this bank regulatory body; began as research assistant to a senior economist, performing miscellaneous data gathering tasks.

References:

Honorable Robert T. Stafford
Chairman
U.S. Senate Committee on Environmental and Public Works

Honorable James L. Buckley
President
Radio Free Europe - Radio Liberty, Inc.

Thomas S. Winter
Editor-in-Chief
Human Events

Political Activities:

1980 Reagan/Bush Presidential Campaign: Researched environment and energy issues for debate task force (Reference: David Gergen).

Presidential Transition: Executive Office of the President. Prepared transition report on Council on Environmental Quality (EOP).

Member, Arlington County Republican Committee and Fairlington Precinct chairman. Local work for Reagan/Bush and Frank Wolf campaigns. (Reference: Jade West).

1976 Reagan Delegate to Virginia State Republican Convention; 1980 Reagan Delegate to 10th District Convention and Virginia State Republican Convention.

FINANCIAL DISCLOSURE REPORT

Form Approved OMB No. 3209-0002

Ethics in Government Act of 1978, Title II
5 U.S.C. App. § 101 et seq.
U.S. Office of Personnel Management
5 CFR Part 734

Reporting Status (Check Appropriate Box)

- [ ] Incumbent
- [X] Entrant, Nominee or Candidate
- [ ] Termination or Final Report

NOTE: All schedules must be filled. Enter "None" in areas or across schedules where applicable.

Agency Use Only	OGE Use Only
Date of Filing (Month, Day, Year): 4-20-84	APR 20 1984

Reporting Individual's Name	Last Name: SCHAFER	First Name and Middle Initial: Jacqueline E.	
Position for Which Filing	Position: Member	Department or Agency (If Applicable): Council on Environmental Quality (Executive Office of the President)	Date of Appointment, Candidacy, Election or Nomination (Mo., Day, Yr.):
Location of Present Office	Address (Number, Street, City, State and Zip Code): U.S. Environmental Protection Agency--Room 900, 26 Federal Plaza New York, New York 10278	Room Number:	Telephone No. (Include Area Code): (212)264-2525

Presidential Nominees Subject to Senate Confirmation	Congressional Committee Considering Nomination: U.S. Senate Committee on Environment and Public Works	Do You Intend to Create a Qualified Diversified Trust? [ ] Yes [X] No

Position and Name of Executive Branch Supervisor in Government Agency (If Different Than Above):
Regional Administrator (Region II)
United States Environmental Protection Agency

Certification: I certify that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge.

Signature of Reporting Individual: Jacqueline E. Schafer — Date (Month, Day, Year): February 18, 1984

Agency Ethics Official's Opinion: On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments below).

Signature of Designated Agency Ethics Official Reviewing Opinion: Denah Bear — Date (Month, Day, Year): APRIL 20, 1984

Office of Government Ethics Use Only: 84 OGE 4-24-84 MB 5/15/84

Signature: David H. Martin — Date (Month, Day, Year): 5-16-84

Comments of Reviewing Official (If additional space is required, use the reverse side of this sheet)

Note: This Report is Current as of April 15, 1984

[Check box if comments are continued on the reverse side] [ ]

OGE Form 278 (Rev. 7-87) AAA

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SF 278—Financial Disclosure Report
Rev. 6/81

INCOME AND INTERESTS IN PROPERTY

This schedule is applicable in the case of all reporting individuals

	Yes	No
Do you, your spouse, or dependent child receive income from, or have a beneficial interest in a trust?		X
If "yes", have you reported the income from the trust?		
If "yes", have you reported the assets of the trust?		
If "yes", is this trust an "excepted" trust? or "qualified" trust?		

	Yes	No
Are there any interests in property, purchases, sales, or exchanges, or liabilities of a spouse or dependent child which you have not reported?		X
If "Yes," do you certify to all of the following? 1. They represent solely your spouse's or dependent child's financial interest or responsibility. 2. They are not, in any way, past or present, derived from your income, assets or activities. 3. You do not derive, nor expect to derive, any income or economic benefit from them; and 4. You do not have knowledge as to the composition of such interest or liabilities.		

Page Number 2 — Schedule A

Reporting Individual's Name: SCHAFER, Jacqueline E.

Agency Use Only

Date of Filing (Month, Day, Year): 4-20-84

Identification	Income: Type of Income (✓)							Income: Category of Amount or Value (✓)									Interests in Property: Valuation of Assets (✓)						
Spouse (S) or Dependent Child (DC)	Dividends	Rent	Interest	Capital Gains	Excepted Trust	Qualified Trust	Other (Specify)	None (or less than $201)	$201-$1,000	$1,001-$2,500	$2,501-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	Over $100,000	Actual Amount	Only if "Other" Specified	Date (Mo., Day, Yr.) Only if Honoraria	Value Method (✓)	$1,000 or less	$1,001-$5,000	$5,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	Over $250,000
Residential Property at: 3145 So. Stafford St. Arlington, Va.		X												X					D						X
Money Market Account Chase Manhattan Bank, N.A. (NY, NY)			X										X						H		X				
U.S. Senate Federal Employees' Credit Union (Washington, D.C.)			X										X						H	X					

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SF 278 – Financial Disclosure Report
(Rev. 6/91)

PURCHASES, SALES, AND EXCHANGES

This schedule is applicable only in the case of annual and termination reports.

Page Number	3	Schedule B

Reporting Individual's Name: SCHAFER, Jacqueline E.

Agency Use Only

Date of Filing (Month, Day, Year): 4-20-84

Report Applicable Transactions, Even if Also Reported on Schedule A

S or DC	Identification of Property (real and personal)	Type of Transaction			Date (Month, Day, Year)		Category of Amount or Value (✓)					
		Purchase	Sale	Exchange	Purchase	Sale or Exchange	$1,001 to $5,000	$5,001 to $15,000	$15,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	Over $250,000
	none											

GIFTS AND REIMBURSEMENTS

This schedule is applicable only in the case of annual and termination reports.

Page Number	4	Schedule C

Reporting Individual's Name
SCHAFER, Jacqueline E.
Agency Use Only
Date of Filing (Month, Day, Year)
4-20-84

I Lodging, Transportation, Food and [illegible] (List each source totaling $250 or more in value)

$ or X	Source (Name and Address)	Value
	none	

II—All Other Gifts (List each source totaling $250 or more in value)

$ or X	Source (Name and Address)	Value
	none	

III Reimbursements—List each source totaling $250 or more in value

$	Source (Name and Address)	Brief Description	Value
	none		

36-486-86
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Form 278 Executive Personnel Financial Disclosure Report

LIABILITIES

This schedule, except as noted for the third section, is applicable in the case of all reporting individuals.

Reporting Individual's Name: SCHAFER, Jacqueline E.

Agency Use Only

Date of Filing (Month, Day, Year): 4-20-84

Page Number: 5

Schedule: D

J or JC	Name and Address of Creditor	Type of Liability (e.g. promissory note, charge account) Give date, interest rate, and applicable term	Category of Amount or Value: $ 10,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000
	First Federal Sevings and Loan Assn. Alexandria, Va.	9½%, 30 yr. mortgage			X	

POSITIONS HELD

Name and Address of Organization	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
none				

COMPENSATION IN EXCESS OF $5,000 PAID BY ONE SOURCE

This section does not require disclosure of the spouse's positions and compensation.

Source (Name and Address)	Brief Description of Duties
none	

RELATIONS WITH OTHER EMPLOYERS

Description of Terms of Any Agreement or Arrangement	Parties	Date (Mo., Day, Yr.)
none		